



OALP POLICY 2022-01

Public Access to Administrative Hearings and Protocols

Effective Date: February 8, 2022

Last Updated Date: February 8, 2022

Supersedes Policy: None

PURPOSE:

To have a consistent and clear process for review of requests by citizens, including journalists, to attend administrative hearings. To ensure any confidential administrative matters remain confidential as required by law. To ensure any public administrative matters are properly equipped and accessible to accommodate observers.

BACKGROUND:

The Office of Administrative Law Proceedings (OALP) appoints a singular Administrative Law Judge (ALJ) to preside over an administrative matter. Therefore, OALP is not a “governing body” as defined in Indiana Code Section 5-14-1.5-2(b) and is not subject to Indiana’s Open Door Law, Indiana Code Section 5-14-1.5, *et seq.*

Requesting Process:

1. A request for access to an administrative hearing must be made at least seventy-two (72) hours before the hearing is scheduled to begin. The request must be made in writing and submitted to OALP@oalp.in.gov.
2. A copy of this policy will be provided to any person(s) making this request.
3. OALP’s Office of General Counsel or an ALJ will review the request and grant or deny the request in writing.

Exemptions:

Parties to a proceeding, their counsel, and any witness(es) identified by a party to the proceeding are not required to file a request to observe a hearing. Family members or guardians (such as a parent or guardian of a minor child) of any party to a proceeding or any witness(es) identified by a party to the proceeding are not required to file a request to observe a hearing. If you are unsure of whether you fall into an exemption, then file this request.

A person will be excluded from observing a hearing when:

- a. The law requires the hearing be confidential;
- b. Information to be discussed in the hearing is deemed confidential by law;
- c. A party or witness’s physical safety would be at risk; or
- d. This policy or orders issued in the matter have been violated.

Unless the ALJ orders otherwise:

1. **Arrival.** Persons who are granted permission to observe an administrative hearing must arrive at the in-person hearing or call into/log into an audio or virtual hearing prior to the start of the proceeding. Arriving after a hearing has started may result in that person being denied access to the hearing.

2. **Decorum.** Out of courtesy for the hearing participants and the hearing itself, every observer in the hearing room must remain quiet and avoid disrupting the proceedings. Disruption includes: cell phone usage or sounds, use speakerphone during audio-only hearings, frequent exiting and entering of doors during the hearing, excessive moving around or eating and drinking. Observers should remain in one place, remain silent (or have virtual microphones on mute), be dressed appropriately, and respect all rules of decorum during the administrative proceeding.
3. **Removal.** The ALJ has the authority to counsel anyone who disrupts the proceedings, including ordering the removal of anyone who does not comply with the request for respectful hearing room behavior.
4. **Equipment.** Persons observing in-person hearings for the purpose of video recording such hearing should ensure that any electrical cords being used are taped down with cloth gaffer's tape. Any tape placed on the floor must not create a safety hazard. Tape may not be placed on hearing room walls or panels
 - a. Only one video camera and one still camera is permitted in a hearing room.
 - b. Only one operator for each video camera, still camera, or microphone set-up is permitted to operate within the hearing room.
 - c. Where more than the permitted number of cameras and microphones are present for a hearing, observers shall confer and pool resources, if possible, to accommodate each other. The ALJ has discretion to remove all persons from the room if a consensus cannot be reached.
 - d. Any decision by the ALJ to exclude excess electronic equipment does not exclude a person from the hearing if granted permission to observe the hearing.
 - e. No artificial lighting is permitted.
 - f. Observers must not use microphones in a hearing room while the administrative hearing is in session.
5. **Taping and Broadcasting of Virtual Hearings.** If an observer intends to record a hearing in any manner, then the observer must disclose his/her intent to the ALJ prior to the start of the hearing so the ALJ may note the intent on the record. Observers shall not broadcast hearings.
6. **Attorney-Client Confidentiality.** Persons shall not record sidebar conversations or private conversations between parties and their counsel.
7. **Interviews.** Persons shall not conduct any interviews within the hearing room or immediately outside the hearing room doors. Public areas may be used to conduct interviews provided they do not disrupt or impede others from pursuing their regular course of business.
8. **Room Accommodation.** The ALJ may ask observers to vacate a hearing room to ensure necessary parties and witnesses to the proceeding are present in the room. If an ALJ receives enough advanced notice of the number of observers, the ALJ will attempt to secure a room large enough to accommodate all observers.